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JAN 26 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**The Development of Operational,
Technical and Spectrum Requirements
For Meeting Federal, State and Local
Public Safety Agency Communication
Requirements Through the Year 2010**

WT Docket No. 96-86

**Establishment of Rules and Requirements
For Priority Access Service**

To: The Commission

REPLY COMMENTS OF UTC

Pursuant to Section 1.415 of the Federal Communications Commission's (Commission) Rules, UTC, The Telecommunications Association (UTC), hereby submits its reply comments in response to the Commission's *Second Notice of Proposed Rule Making* (SNPRM) in the above-referenced docket. The comments filed in this proceeding support access by utilities and pipelines to spectrum in the 746-806 MHz band designated for interoperability and the establishment of a priority access system on commercial mobile radio service (CMRS) systems.

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I. Commenters Generally Support Access to Interoperability Spectrum By Utilities and Pipelines

In its comments, UTC strongly supported the FCC's statements regarding the broadening of eligibility requirements for interoperability spectrum beyond the statutory definition of "public safety providers." UTC noted that utilities and pipelines are often among the first to respond to disasters, and that, in many instances, public safety providers depend on utilities and pipelines to shut off gas mains and electricity and to provide the essential tools (water, electricity, etc.) for public safety providers.¹ UTC also provided numerous citations to reports and pronouncements by Congress, the President's Committee on Critical Infrastructure Protection (PCCIP), the Public Safety Wireless Advisory Committee (PSWAC) and the FCC itself, acknowledging the close relationship between utilities/pipelines and the traditional public safety community.

UTC is by no means alone in its support of expanded eligibility for public safety spectrum designated for interoperability. The FCC's proposal to permit access to interoperability spectrum by public safety related entities that do not fit within the statutory definition of "public safety provider" is supported by numerous parties, including the largest public safety organizations. The Association of Public-Safety Communications Officials-International (APCO) notes "[i]n some instances, it may be appropriate for regional committees to allow certain for-profit entities that are critical to

¹ UTC Comments at p. 4.

emergency response activities to have access (but not be actual licensees) to interoperability channels."²

The Federal Law Enforcement Wireless Users Group (FLEWUG) also supports an expansion of access to interoperability spectrum beyond "public safety providers." "The FLEWUG also agrees that some emergencies require interoperability with government entities and non-government organizations whose primary mission is not government safety, such as railroads and organizations that transport petroleum products."³ FLEWUG recommends that the FCC follow the direction of the PSWAC Interoperability Subcommittee, which identified nine (9) categories of licensees that require interoperable communications at some level, including public services.⁴ FLEWUG recommends that all categories identified by PSWAC be eligible to use the channels designated for interoperability.

The American Association of State Highway and Transportation Officials (AASHTO) notes that limiting interoperability to a restricted number of public safety groups would be "counterproductive."⁵ AASHTO urges the FCC to permit public safety agencies, their

² APCO Comments at p. 16.

³ FLEWUG Comments at ¶33.

⁴ FLEWUG Comments at ¶33. PSWAC defined "public services" as "those services provided by non-Public Safety entities that furnish, maintain, and protect the nation's basic infrastructures which are required to promote the public's safety and welfare. *Final Report of the Public Safety Wireless Advisory Committee (PSWAC Final Report)*, Section 4.3.2.

⁵ AASHTO Comments at p. 2.

contractors and private services providing unique support services to intercommunicate through the interoperability channels.⁶

Utility company work crews often work along side public safety personnel in responding to a [sic] natural and man made disasters. The ability for these workers to communicate directly at the scene enhances recovery operations and mitigates the loss of life and property.⁷

AASHTO also observes that some systems are shared among government agencies and non-government entities such as utilities. Citing a statewide telecommunications system in Nevada that is shared by state and Federal government agencies, municipalities and utilities, AASHTO notes that such systems benefit public safety by reducing operational costs.⁸

Finally, the American Water Works Association (AWWA) notes that access to interoperability spectrum is essential for water utilities and other components of the nation's critical infrastructure (i.e., power, pipeline and railroads). AWWA notes that water systems are relied on by a number of public safety agencies during a wide range of emergencies, including fires, floods and threats to the public's supply of drinking water; the ability to intercommunicate with public safety providers is essential during these emergencies.⁹

UTC, therefore, reiterates its support for access to interoperability spectrum by public safety related entities, such as utilities and pipelines, which are not specifically included within the definition of "public safety provider."

⁶ AASHTO Comments at pp. 2-3.

⁷ AASHTO Comments at p. 3.

⁸ AASHTO Comments at p. 3.

II. Commenters Generally Support Establishment of Priority Access on CMRS Systems

In its comments, UTC supported the establishment of a priority access system that would permit public safety entities to better utilize CMRS for new applications. UTC recommended that the Commission conform protection levels for priority access to those established in the Telecommunications Service Priority (TSP) system, at least with regard to public utility services.

Commenters support the expansion of priority access service availability beyond those entities that fall within the definition of "public safety providers." Nextel Communications, Inc. (Nextel) agrees that the FCC should enhance priority access service by making it available to entities that fall outside the definition of "public safety providers." Nextel urges the FCC to ensure that entities such as "public utilities and power companies...have the ability to contract for priority access service with commercial providers."¹⁰ GTE Service Corporation (GTE) recommends that FCC look to the work of the Wireless Services Task Force of the President's National Security Telecommunications Advisory Committee, which proposed a five level priority system for local, state, regional and Federal disasters.¹¹

Based on the comments of UTC and others, the FCC should expand the proposed CMRS priority access program to make it available to utilities and pipelines.

⁹ AWWA Comments at p. 2.

¹⁰ Nextel Comments at p. 8.

¹¹ GTE Comments at p. 15. This system would provide priority access based on the following levels:

One -- Executive Leadership

Two -- Disaster Response/Military Command and Control

Three -- Public Health, Safety, and Law Enforcement Command

WHEREFORE, THE PREMISES CONSIDERED, UTC requests the Federal Communications Commission to take action in accordance with the views expressed in these comments.

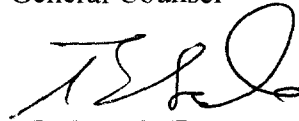
Respectfully submitted,

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Dated: January 26, 1998